

**REMARKS/ARGUMENTS**

**General Remarks**

Applicants thank Examiner Reddick for the courtesy of a telephone interview extended to Applicants' representative on February 12, 2010. During the interview the enclosed claim amendments were discussed as a potential way in which to overcome the indefiniteness rejections of record (i.e., §112, 2<sup>nd</sup> paragraph). Furthermore, it was discussed and agreed that the enclosed claim amendments overcome the prior art rejections of record (i.e., *Hosoda* and *Carl*).

**Claims Status**

Claims 1-14 and 16 are pending. Claim 15 was previously canceled without prejudice. Claims 1-6, 10, 12 and 13 are currently amended for numerous reasons, for example to improve readability, to improve clarity, correct antecedent basis, and to place the application in better format for further examination/allowance. No new matter is believed to have been added.

**§112, 2<sup>nd</sup> paragraph, Rejections**

Claims 1-14 and 16 are rejected as indefinite for a handful of reasons as described by the Examiner in parts A) through D) of the outstanding Office Action (pages 2-3). As described above, claims 1-6, 10, 12 and 13 have been amended in numerous ways to remove issues of indefiniteness. Accordingly, Applicants submit that the amendments to the claims have overcome all of the §112, 2<sup>nd</sup> paragraph, rejections as explained by the Examiner. As such, Applicants request withdrawal of these rejections.

**Non-Statutory Obviousness-Type Double Patenting**

Applicants respectfully request that this rejection over US 11/914,242 be withdrawn for at least the following reasons.

(1) U.S. patent application 11/914,242 has received a Notice of Abandonment from the U.S.P.T.O. on November 17, 2009.

(2) Even if US 11/914,242 was not abandoned or if revived in the future, the present application has an effective U.S. filing date of July 17, 2004 whereas the cited U.S. patent applications 11/914,242 has an effective filing date of May 17, 2006. Therefore the present application is clearly the earlier filed application when compared to the cited application.

Thus, pursuant to M.P.E.P. §804 (Part I.B.1) which states:

“If a ‘provisional’ nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. Or, “If ‘provisional’ ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer.”

### Prior Art Rejections

The claims have been rejected as follows: (i) claims 1-4, 7-10, 13, 14 and 16 are rejected as anticipated by or, in the alternative, obvious in view of *Hosoda* (US 4,380,600); (ii) claims 5, 6, 11 and 12 are rejected as obvious in view of the combination of *Hosoda* and *Carl* (US 5,840,804); and (iii) claims 1-14 and 16 are rejected as anticipated by or, in the alternative, obvious in view of *Carl*. Applicants respectfully traverse these rejections.

In the outstanding Office Action it is noted that “the rejection based on Hosoda et al is made with the understanding that the newly amended claims require the presence of only one stabilizer during the radical polymerization of ethylenically unsaturated monomer(s)” (Office Action, page 5) and “the rejection based on Carl et al is made with the understanding that the newly amended claims require the presence of only one stabilizer during the radical polymerization of ethylenically unsaturated monomer(s)” (Office Action, page 9).

During the telephonic interview with Examiner Reddick on February 12, 2010, it was further clarified that “... the newly amended claims require the presence of only one stabilizer ...” referred to an interpretation by the Examiner wherein the stabilizer could comprise only component (a) or only component (b) but does not necessarily require at least one (a) and at least one (b). Applicants note that the currently amended claims now require that at least one (a) and at least one (b) be present in the claimed stabilizer.

Accordingly and as agreed in the telephonic interview between the Examiner and Applicants’ representative, the cited references do not disclose or suggest (i.e., do not anticipate or render obvious) the claimed invention wherein the stabilizer comprises at least one (a) and at least one (b). As such, and in view of the claim amendments provided herein, Applicants submit that the §102(b)/§103(a) and §103(a) rejections of record have been obviated. Thus, Applicants request withdrawal of these rejections.

### **Conclusion**

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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